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May 12, 2016

DECISION AND CERTIFICATE OF CONDITIONAL APPROVAL
SILAS TAYLOR FARME ROAD DEFINITIVE SUBDIVISION PLAN
AND
PRIVATE/COMMON DRIVEWAY SPECIAL PERMIT

DECISION of the Planning Board (the Board) on the application of Meridian Homes, Inc. (Applicant) for a Definitive Subdivision Plan and Private/Common Driveway Special Permit for a property located on the north side of Flagg Hill Road approximately 750 feet northeast of the intersection of Windemere Drive. The property is currently addressed as 223 Flagg Hill Road, identified as Assessor's Parcel Number 20-067-000, and owned by Dolly D. Bjorklund.

This Decision is in response to an application filed on February 26, 2016 to subdivide two existing lots, 205 and 223 Flagg Hill Road (currently one lot addressed as 223 Flagg Hill Road), into eleven buildable lots and one open space parcel off a proposed new cul-de-sac road named Silas Taylor Farme Road off Flagg Hill Road. The application also included a request to create a Private/Common Driveway at the end of the cul-de-sac to serve two of the proposed new lots.

After causing notice of the time and place of the public hearing and of the subject matter thereof to be published, posted, and mailed to the Applicant, abutters, and other parties of interest as required by law, the public hearing was conducted on March 21, 2016 and continued to April 25, 2016, May 2, 2016, and May 9, 2016.

After due consideration of the application, the record, the Town Planner's reports, the Town's Consulting Engineer's reviews, comments from other Town Boards, Committees, and Departments, and based upon the findings set forth herein, the Board closed the public hearing on May 9, 2016 and voted 5 to 0 to **GRANT** conditional approval of the Definitive Subdivision Plan and Private/Common Driveway Special Permit.

This Decision and Certificate of Conditional Approval is granted with waivers and is subject to the conditions, limitations, and restrictions outlined herein. Final approval will be indicated by endorsement on the Definitive Plan after the statutory twenty (20) day appeal period and shall be contingent upon the Applicant's provision of an adequate Performance Guarantee for installation of all roadway improvements and monuments, and compliance with the conditions of approval.

COMPLIANCE WITH SUBDIVISION RULES & REGULATIONS

1. Completeness and technical adequacy of all submissions.

The Board finds the Definitive Subdivision Plan application materials are complete and provide substantial information on the project. In instances where pieces of information were not provided, the Applicant requested waivers and provided reasoning as to why these requests were made.

2. Determination that development at this location does not entail unwarranted hazard to safety, health and convenience of future residents of the development or of others because of possible natural disasters, traffic hazard or other environmental degradation.

The Board finds the proposed subdivision has been designed in a manner that does not create an unwarranted hazard to safety, health, or the convenience of future residents. The Board also finds the proposed project does not generate any traffic hazards or degrade the environment. All but two of the proposed lots conform to the minimum requirements for the Agricultural-Residential Zoning District, and the remaining two lots only lack adequate frontage. However, the Applicant has received a Reduced Frontage Lots Special Permit for these properties.

3. Conformity with the requirements of Section IV, Design Standards and Section V, Required Improvements For An Approved Subdivision.

Places Associates, Inc. provided a memorandum dated May 9, 2016 entitled “Definitive Subdivision, Common Driveway Review.” This memorandum indicates all of the “review items/concerns in both the Definitive Subdivision review and Stormwater review have been fully addressed.” Based upon this memorandum from the Town’s Consulting Engineer, the Board finds the proposed project to be in conformity with the requirements of Section IV – Design Standards and Section V – Required Improvements For An Approved Subdivision.

4. Determination, based upon the environmental and traffic analysis (where submitted), that the subdivision as designed will not cause substantial traffic impacts and irreversible damage to the environment.

The Board finds that Silas Taylor Farme Road has been designed to have the least amount of impact on the surrounding environment. The roadway’s intersection with Flagg Hill Road was chosen to minimize the disturbance to the wetlands in the area and the project will create an 8.29 acre open space parcel to support wildlife and habitat connectivity. Additionally, the project proposes to maintain a significant amount of the existing vegetation on the site and even proposed one Private/Common Driveway which further minimizes disturbances to the environment. As indicated in the Traffic Impact Analysis submitted by Conley Associates dated November 30, 2015, the proposed project will not cause substantial traffic impacts to the surrounding area. The proposed subdivision is expected to generate 17 vehicle trips during the weekday morning peak time and 14 vehicle trips during the weekday evening peak time. Even with the addition of project related traffic, the surrounding area intersections will operation at Level of Service A with less than ten seconds of delay.

5. Adequacy of access, sight distance and stopping sight distance.

Conley Associates, in a memorandum dated March 14, 2016, has determined the stopping sight distance for the proposed Silas Taylor Farme Road is more than adequate for the 30 mile per

hour zone on Flagg Hill Road where the proposed subdivision roadway would be located. A diagram of the sight distances from the proposed subdivision roadway's intersection with Flagg Hill Road has been provided on Sheet C11.1. Therefore, the Board finds there is adequate access, sight distances, and stopping sight distances for the proposed subdivision roadway.

6. Conformity with the recommendations of the Board of Health.

The Board has included a condition which requires the Applicant to comply with a number of Board of Health conditions. With the inclusion of this condition, the Board of Health has no issues with the Definitive Subdivision Plan and, as such, the Board finds the proposed project is in conformity with the recommendations of the Board of Health.

7. Conformity with all applicable Town Bylaws as specified in Section VI.E.

The Board finds the application materials display a proposed project which meets the Town Bylaws listed in Section VI.E and in instances where the plans do not, the Applicant has applied for and received the appropriate relief (ie. Notice of Intent, Special Permit, etc.).

8. Consistency with the purposes of the Subdivision Control Law.

The Board finds the design of the proposed subdivision protects the safety, convenience, and welfare of the inhabitants of the Town of Boxborough by providing access to the lots on a road which has not become a public way, and ensures sanitary conditions in the subdivision. The Definitive Subdivision Plan shows adequate access to all of the lots in the subdivision by a way that will be safe and convenient for travel and the proposed project does not increase congestion in the adjacent public ways. Additionally, the Board finds the design of the project ensures the danger to life and limb in the operation of motor vehicles is reduced and the project is complaint with the applicable zoning ordinances or bylaws. The project also has adequate provisions for water, sewerage, drainage, underground utility services, fire, police, and other similar municipal equipment. Therefore, the Board finds the proposed Definitive Subdivision Plan is consistent with the purposes of the Subdivision Control Law.

DEFINITIVE SUBDIVISION PLAN WAIVERS

In approving the Definitive Subdivision Plan, the Planning Board reviewed and acted on eight requested waivers from the Rules & Regulations Governing the Subdivision of Land as follows:

1. Waiver from Section III.C.1.7): All drafts of proposed easements for utility, drainage and right-of-way purposes.

While the proposed easement areas were shown on the project plans, the Applicant did not submit any draft easement documents with their application materials because they wanted to finalize the locations of all easement areas before drafting these documents. The Applicant indicated that once these easement areas were finalized through conversations with the Planning Board, they would submit easement documents for review by the Town. The Board has included a condition of this Decision which requires; prior to the endorsement of the Definitive Subdivision Plan, the Applicant/Owner submit all drafts of proposed easements for utility,

drainage, and right-of-way purposes to the Town for review and approval by Town Counsel. Therefore, the Board **GRANTS** this requested waiver.

2. Waiver from Section III.C.2.15): Proposed layout of the water supply system, fire protection system, street lighting system, and sewage disposal system if and where applicable.

The Applicant is not proposing any street lights for the project, at the Board's request, and therefore the Applicant did not submit any details pertaining to this item. Therefore, the Board **GRANTS** this requested waiver.

3. Wavier from Section III.C.2.22): An Erosion and Sedimentation Control plan with the components required for compliance with the National Pollutant Discharge Elimination System (NPDES) Stormwater Pollution Prevention Plan and all temporary and permanent measures for erosion control.

Due to the various drafts of plans for this project which resulted from conversations and comments from the Planning Board, the public, the Town Planner, and the Town's Consulting Engineer, it only made sense to have the details of the proposed project finalized before an Erosion and Sedimentation Control Plan was finalized for the project. Additionally, the Board has included a condition in the Decision which requires that prior to the commencement of any site work for the roadway construction, the Applicant/Owner shall provide to the Town Planner and the Town's Consulting Engineer an approved copy of the Stormwater Pollution Prevention Plan as required for the National Pollutant Discharge Elimination System (NPDES) permit. Therefore, the Board **GRANTS** this requested waiver.

4. Waiver from Section IV.A.6: Street lines at intersections shall be cut back so as to provide for curb radii of not less than 20 feet. Curb radii shall be adjusted as needed to accommodate a SU-30 truck turn without crossing into the opposite lane of traffic.

A waiver from this provision would allow the Applicant to push the roadway entrance closer to the western property line. In this location there is an existing cart path entering the property that could be utilized, it would reduce the amount of required wetland filling in this area. The adjacent residence on Woodward Lane closest to Flagg Hill Road is somewhat elevated from the proposed roadway entrance and there is a significant amount of vegetation acting as a buffer. Additionally, after the initial 170 feet of new roadway, the road veers away from the property line to the northeast and then bisects the proposed building lots. As the roadway moves further to the east, the vegetative buffer between the roadway and the abutters on Woodward Lane increases substantially. The actual paved area of the proposed roadway would have turning radii of 25 feet to ensure public safety vehicles and other large trucks have adequate room to make the turn onto Silas Taylor Farme Road without the need to veer into the opposite lane of traffic. The only adjustment to the design would be the elimination of the right-of-way flare on the western side where the proposed roadway meets Flagg Hill Road. This design alteration would be unnoticeable in the field as right-of-way boundaries are only seen on the plans for projects. Therefore, the Board **GRANTS** this requested waiver.

5. Waiver from Section IV.A.14: The length of a dead-end street shall be measured along its centerline from the edge of the pavement of the intersecting through street to the midpoint of the

circular turnaround. A dead-end street shall not be longer than 500 linear feet in combined total length unless, in the opinion of the Board, a greater length is necessitated by topography or other local conditions, excluding financial considerations, and there are clear and compelling benefits to the Town for granting a greater length.

The Applicant proposed an approximately 1,500 foot long dead-end roadway for the project due to the topography and shape of the subject property. A significant number of dead-end roadways in town exceed 500 feet including Cobleigh Road, Avebury Circle, Barteau Lane, Fifer's Lane, Patch Hill Road, and Stonehedge Place, to name just a few. The waiving of this requirement would also create fewer disturbances to the wetland area located on the property by limiting the disturbance to two crossings over one resource area. The alternative to waiving this requirement would call for the Applicant to establish a second access point to Flagg Hill Road to create a u-shaped roadway on the project site with an attached dead-end roadway that is less than 500 feet. This alternative would create more disturbances at the property, require an additional wetland crossing to the east, and require additional pervious area to be paved with asphalt. Therefore, the Board **GRANTS** this requested waiver.

6. Waiver from Section IV.A.15: The number of dwelling units served by a dead-end street shall not exceed ten (10).

The Applicant requested the proposed number of units to be served by the proposed dead-end roadway be 11. There are a number of dead-end roadways in town that currently serve more than 10 dwelling units including Cobleigh Road, Mayfair Drive, Avebury Circle, Barteau Lane, Fifer's Lane, Patch Hill Road, and Stonehedge Place, among others. Further, the Applicant only requested one additional dwelling unit above the maximum allowed in the Design Standards. Since there are no public safety issues with the proposed project, the Board **GRANTS** this requested waiver.

7. Wavier from Section IV.B.3.5): Subdrains or underdrains shall be provided if the roadway is in a cut section or in groundwater conditions which could saturate the gravel base of the road. If the roadway results in a cut slope of 5-foot or more vertical, a swale at the top of the cut slope shall be provided to minimize erosion and limit the runoff onto the roadway.

The Applicant has indicated they will provide rip rap armor on the proposed cut slope with a rip rap swale at the toe of the cut slope conveying potential groundwater breakout into a landscape catch basin. The Town's Consulting Engineer is comfortable with this proposal and therefore the Board **GRANTS** this requested waiver.

8. Waiver from Section V.A.3.1): Sidewalks, preferably meandering, shall be constructed on at least one side of all streets and on both sides when, in the opinion of the Board, such is necessary. Sidewalks shall be a minimum of 5 feet wide and shall be offset from the edge of pavement by a 10-foot grass strip.

The Applicant requested the sidewalk in the project be 5 feet wide and offset from the roadway by only a 4 foot wide grass strip. While a wide grass strip between the sidewalk and the street enhances pedestrian safety and increases the probability that vegetation will survive and thrive in these areas, the Board finds a reduced grass strip for this project would be acceptable. The

amount of vehicles and pedestrians traveling along this proposed roadway will likely be limited to residents, their guests, and those recreating or exercising. As such, this proposed roadway would experience much less vehicular activity than other roadways in town used as through streets. This project is also an opportunity to increase the amount of sidewalks within the town. If the Town does not act on the opportunities it has to construct sidewalks throughout the town, there will never be any connectivity to the sidewalk network. The inclusion of a sidewalk in this subdivision would create a safe environment for residents to walk and exercise without having to worry about vehicles on the roadway. According to the Subdivision Design Standards, the Applicant is required to construct a 5 foot wide sidewalk the length of the proposed roadway on at least one side and they are attempting to meet this requirement. However, they need a small amount of relief in order to do this and therefore, the Board **GRANTS** this requested waiver.

COMPLIANCE WITH SECTION 6104 PRIVATE/COMMON DRIVEWAYS IN THE AGRICULTURAL-RESIDENTIAL (AR) DISTRICTS

Private/Common Driveways in the AR District shall be allowed only by Special Permit by the Planning Board. Such Private/Common Driveways shall comply with the Boxborough Driveway Approach Bylaw as adopted June 29, 1964, and as subsequently amended.

1. No more than three (3) lots shall be accessed by a Private/Common Driveway. The Driveway shall lie entirely within one or more of the lots being served.

The Board finds the proposed Private/Common Driveway would only serve two lots, 5 and 6, and would lie entirely within the boundaries of these two lots.

2. Frontage requirements for each lot shall be along a town, county, state or approved subdivision road. Frontage along the length of the Private/Common Driveway shall in no way be used to satisfy frontage requirements as specified in the Zoning Bylaw.

Both Lots 5 and 6 have frontage on the Definitive Subdivision Plan roadway for Silas Taylor Farme Road. It should be noted here that each lot does not meet the minimum lot frontage requirement for the Agricultural-Residential Zoning District with only 86 feet and 84 feet of frontage respectively. However, the Applicant has obtained a Reduced Frontage Lot Special Permit for each of these lots from the Zoning Board of Appeals.

3. No more than three (3) Private/Common Driveways shall be located on a dead-end street.

The Board finds the proposed Private/Common Driveway for Lots 5 and 6 is the only such driveway being proposed as part of the Silas Taylor Farme Road Definitive Subdivision Plan, which would be a dead-end street.

4. Copies of all easements, covenants, and agreements which shall be recorded with the Registry of Deeds, shall be submitted to the Planning Board. These easements, covenants and agreements shall indicate that the Town of Boxborough, under no circumstances, shall now or in the future, be held liable for construction, reconstruction, maintenance, repairs, or snow removal on these Private/Common Driveways.

The Applicant has submitted a draft Common Driveway and Utilities Covenant. The Board has included a condition in the Decision that prior to the endorsement of the Definitive Subdivision Plan, the Applicant/Owner submit all drafts of proposed easements for utility, drainage, and right-of-way purposes to the Town for review and approval by Town Counsel.

5. Applications for a Private/Common Driveway Special Permit in the AR District shall adhere to the extent feasible to those construction standards set forth in the Planning Board Private/Common Driveway Guidelines. Such guidelines are for advisory purposes only and shall not be binding on the applicant or the Planning Board.

As is discussed below in more detail, the Board finds the construction of the Private/Common Driveway adheres to the construction standards set forth in the Private/Common Driveway Guidelines.

COMPLIANCE WITH SECTION 5 CONSTRUCTION STANDARDS OF THE PRIVATE/COMMON DRIVEWAY GUIDELINES

All Private/Common Driveways for residential use shall at a minimum meet the construction standards as outlined below, unless specifically waived by the Planning Board:

1. All topsoil shall be removed.

The Bituminous Concrete Pavement detail on sheet C8.2 indicates that no topsoil will be retained as part of the construction of the Private/Common Driveway.

2. Subgraded 15" below finished grade and inspected at this stage by the Town.

The Bituminous Concrete Pavement detail on sheet C8.2 indicates the proposed construction for the Private/Common Driveway will contain at least 15.5" of subgrade material as measured from the finished grade to the bottom of the untreated subbase.

3. Twelve inches (12") or more of gravel and 2½" of hot top extending a minimum distance of 25 feet from the junction with the roadway along the driveway.

The plan set indicates on Sheet C8.2 that the Private/Common Driveway will have a minimum of 6" of untreated base over a minimum of 6" of untreated subbase. This will be topped with 1.5" of binder and a 1" top layer of asphalt. This course thickness will run the entire length of the Private/Common Driveway.

4. A minimum paved width of 16 feet.

The plan set indicates the Private/Common Driveway will have a minimum width of 16 feet (as measured on Sheet C4.2 and displayed on Sheet C8.2) until it splits into the individual sections of driveway which lead to the separate residential dwellings.

5. A minimum of a 3-foot shoulder on each side of the paved surface.

The plan set indicates the shoulders on each side of the driveway will be 3 feet wide and consist of loam and seed at a four inch depth over compacted gravel.

6. The Private/Common Driveway shall meet a town road as shown in the Driveway Approach Bylaw.

Sheet C6.1 in the plan set indicates the proposed Private/Common Driveway meets the standards of the Driveway Approach Bylaw. The Private/Common Driveway will meet the proposed subdivision roadway at a downward slope of 1.83%.

7. Adequate drainage shall be provided to prevent erosion and washouts at low points.

The Board finds the three foot wide loam and seed shoulders along the entire length of the Private/Common Driveway will help prevent any erosion or washout along the driveway. Additionally, the runoff generated by the driveway will be handled through sheet flow into the adjacent vegetated areas and a grass channel which runs parallel along the driveway virtually the entire way to the proposed dwelling location on Lot 5, with check dams spaced every 100 feet. Furthermore, any water that is not captured by the grass channel should be handled by the drainage system which has been designed as part of the proposed subdivision roadway.

8. A slope not exceed 8%.

The plan set indicates the slope of the Private/Common Driveway will not exceed 8% at its steepest section.

9. A turning location within 100 feet of each house served to accommodate Fire Department apparatus.

A turning location adjacent to each proposed dwelling unit on Lots 5 and 6 has been provided. Sheet C11.1 displays turning radius analyses of these locations showing how a 40 foot fire truck's turning radius can be accommodated.

10. No closer than ten (10) feet at any point from abutting lots not served by the Private/Common Driveway.

At its shortest distance, the Private/Common Driveway is over 50 feet away from the nearest property boundary.

11. No runoff shall be allowed to flow directly into the public way unless the Private/Common Driveway is part of a subdivision which accommodates the runoff in its design.

The Board finds that any runoff generated by the Private/Common Driveway which might flow onto Silas Taylor Farme Road would be accommodated in the stormwater management design for Silas Taylor Farme Road and would not reach Flagg Hill Road. Additionally, a low point just before the Private/Common Driveway reaches Silas Taylor Farme Road will keep most, if not all, of the runoff from the driveway from reaching the subdivision roadway.

12. Require a leveling area at the road intersection of 40-50' with grades 4-5% and at the terminus of the common portion of the driveway. Require the geometry at these intersections to accommodate a SU-30 truck turn (ambulance, moving van, fire truck). Minimum centerline radius of 80'. Recommend that a plan and profile of the driveway (vertical scale: 1"=4', horizontal scale 1"=40') be part of the submittal so the intent is clear on the plans.

Sheet C6.1 indicates the areas where the Private/Common Driveway meets Silas Taylor Farme Road and where the common portion of the driveway ends, the grades are at 5% or less. The geometry of the Private/Common Driveway where it meets the proposed subdivision roadway will accommodate a SU-30 truck turn.

13. Directional and address signs at the intersections for individual driveways to facilitate deliveries and emergency responses.

These items have been included on Sheet C4.3 of the plan set. The Board has also included a condition of the Special Permit which requires the Applicant/Owner to work with the Fire Chief, Police Chief, and Town Planner to install signage which adequately and appropriately identifies the address for each dwelling unit which has access to the Private/Common Driveway.

14. Require underground utilities.

The Littleton Electric Light Department has indicated the utilities for the proposed project will be fed to the proposed structures on all of the lots in the proposed subdivision underground from a new riser pole near the intersection of Silas Taylor Farme Road and Flagg Hill Road. Additionally, the Board has included a condition which requires all utilities for the project be located underground.

COMPLIANCE WITH SECTION 9204 DECISION

No application for a Special Permit shall be granted unless the Special Permit Granting Authority shall find that the structure(s) and/or use(s) proposed shall not have adverse effects which outweigh its benefits on either the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. The determination shall include consideration of each of the following:

1. Social and community needs which are served by the proposal.

The Board finds the proposed Private/Common Driveway and proposed structures on Lots 5 and 6 are consistent with the surrounding neighborhood and its uses. Both parcels would be buildable lots and have received Reduced Frontage Lot Special Permits, and single-family dwellings would be constructed on each. Additionally, these two lots are very large in size as they are more than double the minimum lot size for the zoning district and at least twice the size of the other buildable lots in the proposed subdivision.

2. Traffic flow and safety.

The Board finds the proposed Private/Common Driveway will help to minimize the number of curb cuts on Silas Taylor Farme Road as two dwelling units will use the same driveway to access the roadway. Additionally, the traffic generated from the two proposed single-family dwellings on Lots 5 and 6 will be consistent with the other properties in the subdivision and in the surrounding neighborhood. Furthermore, the Private/Common Driveway is proposed to be located at the very end of the subdivision roadway and should not negatively impact the subdivision roadway because of the limited access to the driveway. Therefore, the Board finds it does not appear the Private/Common Driveway will have an adverse impact to the safety or traffic environment on Silas Taylor Farme Road or Flagg Hill Road.

3. Adequacy of utilities and other public or private services, including storage or disposal of sewage, refuse or other wastes, and drainage and/or retention of surface water.

The utilities for the proposed project will be fed to the proposed structures on all lots in the proposed subdivision underground from a new riser pole near the intersection of Silas Taylor Farme Road and Flagg Hill Road. The proposed wells and septic systems for the subdivision lots will have to meet all necessary Board of Health requirements. Additionally, it appears that most, if not all, of the surface water will be retained on-site by the vegetation on the property and by the proposed drainage system. Therefore, the Board finds the application meets this requirement.

4. Density of population, intensity of use, neighborhood character and social structures.

The Board finds the proposed Private/Common Driveway will allow access to Lots 5 and 6 with minimal additional disturbance to the neighborhood. In fact, because these two lots would be sharing a driveway, there is actually less disturbance to the neighborhood and the natural environment than if two separate driveways were created. The Board also finds the proposed uses of these lots as single-family dwellings is consistent with the use intensity and neighborhood character of the surrounding area. Ultimately, the project will not greatly increase the density of the area as the lots on which the dwellings will be located are comparable to or larger than many of the lots in the surrounding neighborhood.

5. Impacts on the natural environment.

The Board finds the entire proposed Private/Common Driveway will be constructed on uplands on the subject properties. This proposed driveway will have the least amount of impact to the natural environment when compared to a scenario where two separate driveways for each of lots were constructed. The proposed Private/Common Driveway preserves more vegetation in the area and reduces the amount of impervious area on each of the properties.

6. Impacts on health.

The Board finds the proposed Private/Common Driveway eliminates the need for two separate driveways which will preserve more vegetation in the area and reduce the amount of impervious area on the properties. The single-family dwellings which will be constructed on Lots 5 and 6 are the same type of use, at the same scale, as other structures in the proposed subdivision and surrounding neighborhood. Therefore, the Board finds the proposal will not have an adverse impact on either the health of the neighborhood or the town.

7. Potential fiscal impact, including tax contribution, diminution or enhancement of neighboring property values, and creation of new employment opportunities.

The Board finds that the area where these two homes would be constructed is currently vacant wooded land and the construction of these proposed single-family dwellings will significantly increase the tax base contribution from this property, along with the nine other homes which would be built on the site. At the same time, the Board finds these two new structures would not diminish the value of neighboring properties. Additionally, the construction of the proposed Private/Common Driveway and two new homes, as well as the other homes in the subdivision project, will create new, temporary, construction jobs in the community.

CONDITIONS OF APPROVAL

1. Approval is based upon the following Plans and Documents:

- a. “Residential Subdivision Definitive Plan – Title Sheet – Silas Taylor Farme Road at Flagg Hill Road, Boxborough, MA” (Sheet C1.1) prepared by Goldsmith, Prest & Ringwall, Inc. dated February 2016 with a revision date of May 6, 2016 and a Planning Department date stamp of May 9, 2016.
- b. “Residential Subdivision Definitive Plan – Overall Layout Plan – Silas Taylor Farme Road at Flagg Hill Road, Boxborough, MA” (Sheet C2.1) prepared by Goldsmith, Prest & Ringwall, Inc. dated February 2016 with a revision date of May 6, 2016 and a Planning Department date stamp of May 9, 2016.
- c. “Residential Subdivision Definitive Plan – Lotting Plan – Silas Taylor Farme Road at Flagg Hill Road, Boxborough, MA” (Sheets C3.1 – C3.4) prepared by Goldsmith, Prest & Ringwall, Inc. dated February 2016 with a revision date of May 6, 2016 and a Planning Department date stamp of May 9, 2016.
- d. “Residential Subdivision Definitive Plan – Grading Drainage and Paving Plan – Silas Taylor Farme Road at Flagg Hill Road, Boxborough, MA” (Sheets C4.1 – C4.3) prepared by Goldsmith, Prest & Ringwall, Inc. dated February 2016 with a revision date of May 6, 2016 and a Planning Department date stamp of May 9, 2016.
- e. “Residential Subdivision Definitive Plan – Roadway Plan and Profile STA -20+00 to 8+00 – Silas Taylor Farme Road at Flagg Hill Road, Boxborough, MA” (Sheet C5.1) prepared by Goldsmith, Prest & Ringwall, Inc. dated February 2014 with a revision date of May 6, 2016 and a Planning Department date stamp of May 9, 2016.
- f. “Residential Subdivision Definitive Plan – Roadway Plan and Profile STA 8+00 to 16+91 – Silas Taylor Farme Road at Flagg Hill Road, Boxborough, MA” (Sheet C5.2) prepared by Goldsmith, Prest & Ringwall, Inc. dated February 2014 with a revision date of May 6, 2016 and a Planning Department date stamp of May 9, 2016.

- g. “Residential Subdivision Definitive Plan – Common Driveway Profile STA 0+00 to 8+00 – Silas Taylor Farme Road at Flagg Hill Road, Boxborough, MA” (Sheet C6.1) prepared by Goldsmith, Prest & Ringwall, Inc. dated February 2014 with a revision date of May 6, 2016 and a Planning Department date stamp of May 9, 2016.
 - h. “Residential Subdivision Definitive Plan – Stormwater Pollution Prevention Plan – Silas Taylor Farme Road at Flagg Hill Road, Boxborough, MA” (Sheet C7.1) prepared by Goldsmith, Prest & Ringwall, Inc. dated February 2016 with a revision date of May 6, 2016 and a Planning Department date stamp of May 9, 2016.
 - i. “Residential Subdivision Definitive Plan – Construction Details – Silas Taylor Farme Road at Flagg Hill Road, Boxborough, MA” (Sheets C8.1 – C8.4) prepared by Goldsmith, Prest & Ringwall, Inc. dated February 2016 with a revision date of May 6, 2016 and a Planning Department date stamp of May 9, 2016.
 - j. “Residential Subdivision Definitive Plan – Wetland Replication Plan – Silas Taylor Farme Road at Flagg Hill Road, Boxborough, MA” (Sheet C9.1) prepared by Goldsmith, Prest & Ringwall, Inc. dated February 2014 with a revision date of May 6, 2016 and a Planning Department date stamp of May 9, 2016.
 - k. “Residential Subdivision Definitive Plan – Landscape Plan – Silas Taylor Farme Road at Flagg Hill Road, Boxborough, MA” (Sheet C10.1) prepared by Goldsmith, Prest & Ringwall, Inc. and Lorayne Black dated February 2016 with a revision date of May 6, 2016 and a Planning Department date stamp of May 9, 2016.
 - l. “Residential Subdivision Definitive Plan – Turning Movement Analysis – Silas Taylor Farme Road at Flagg Hill Road, Boxborough, MA” (Sheet C11.1) prepared by Goldsmith, Prest & Ringwall, Inc. dated February 2016 with a revision date of May 6, 2016 and a Planning Department date stamp of May 9, 2016.
 - m. “Long Term Pollution Prevention & Stormwater System Operation and Maintenance Plan – Roadway – Silas Taylor Farme Road at Flagg Hill Road, Boxborough, MA” prepared by Goldsmith, Prest & Ringwall, Inc. dated February 2016 with a revision date of April 29, 2016 and a Planning Department date stamp of May 2, 2016.
 - n. “Long Term Pollution Prevention & Stormwater System Operation and Maintenance Plan – Lot 5 & 6 Common Drive – Silas Taylor Farme Road at Flagg Hill Road, Boxborough, MA” prepared by Goldsmith, Prest & Ringwall, Inc. dated February 2016 with a revision date of April 2016 and a Planning Department date stamp of May 2, 2016.
 - o. “Stormwater Management Report – Silas Taylor Farme Road at Flagg Hill Road, Boxborough, MA” prepared by Goldsmith, Prest & Ringwall, Inc. dated February 2016 with a revision date of April 29, 2016 and a Planning Department date stamp of May 2, 2016.
2. Any changes or modifications now or in the future to the approved plans, covenants, or maintenance agreement shall require approval of the Planning Board.

3. **Prior to endorsement of approval of the Definitive Plan**, the Applicant/Owner shall submit to the Town Planner an acceptable Performance Guarantee and have it reviewed and approved by Town Counsel and the Town's Consulting Engineer.
4. **Prior to endorsement of approval of the Definitive Plan**, the Applicant/Owner shall submit to the Town Planner all drafts of proposed easements for utility, drainage, and right-of-way purposes, and a covenant and maintenance agreement for the Private/Common Driveway, and have them reviewed and approved by Town Counsel.
5. The following Board of Health conditions shall be met:
 - a. Sewage Disposal Works Construction permits will be required on any lot for which a Building Permit is sought.
 - b. A potable water supply, in compliance with the Boxborough well regulations and providing adequate quantity, is required on any lot for which a Building Permit is sought. Well permits will be required for each well drilled.
 - c. Lot configurations shall be designed to contain all required Board of Health regulation offset distances for a fully compliant on-site potable water source and on-site sewage disposal system.
 - d. Woodwaste generated from the development of these lots must be handled in accordance with the Department of Environmental Protection's Woodwaste Policy and Site Assignment regulations.
 - e. Standing water in any retention/detention structures shall be minimized.
 - f. The use of perchlorate based blasting materials is prohibited.
6. **Prior to the commencement of any site work for the roadway construction**, the Applicant/Owner shall receive and record with the Middlesex South Registry of Deeds an Order of Conditions, or Superseding Order of Conditions, issued under the Wetlands Protection Act.
7. **Prior to the commencement of any site work for the roadway construction**, the Applicant/Owner shall provide to the Town Planner and the Town's Consulting Engineer an approved copy of the Stormwater Pollution Prevention Plan as required for the National Pollutant Discharge Elimination System (NPDES) permit.
8. **Prior to the commencement of any site work for the roadway construction**, the Applicant/Owner shall submit to the Town Planner written confirmation from the Tax Collector that all taxes, including any roll back taxes, have been paid in full for the properties.
9. **Prior to the commencement of any site work for the roadway construction**, the Applicant/Owner shall record the Decision, the Plan, and the Performance Guarantee with

the Middlesex South Registry of Deeds and provide verification of recording to the Town Planner.

10. The Applicant/Owner and/or contractor shall provide a stone construction entrance to prevent soil from being tracked out onto Flagg Hill Road and shall install erosion control (straw bales or wattles) to prevent wash outs of the subdivision roadway until such time as it is paved.

11. **During construction of the roadway**, the Applicant/Owner shall provide 72 hours notice to the Town Planner and the Town's Consulting Engineer for the following required inspections:

Pre-construction meeting with contractor after installation of erosion control, provisions to protect stonewalls, and any other site feature identified as to remain.

- a. After clearing, grubbing, stump removal, excavation to subgrade, and excavation of ditches for utilities. Each utility is responsible for inspections of their respective utility installation.
- b. After drainage system (pipe, manholes, catch basins, and other drainage structures) is installed, but before it is covered. The Town's Consulting Engineer shall sight drainage pipe runs to adjacent basins. Any defective runs shall be corrected before approval is given.
- c. Prior to the installation of binder course, the Town's Consulting Engineer shall inspect and verify the roadway base is adequate. Such verification shall include the results of any material sample testing and compaction testing (95% Proctor). All sampling, testing, and analysis shall be at the sole expense of the Applicant/Owner.
- d. The roadway binder course shall be laid within one week of the completion of construction of the roadway base, unless otherwise authorized by the Town's Consulting Engineer.
- e. During the installation of binder and finish bituminous concrete. The Town's Consulting Engineer shall be on-site during the installation of any pavement for the roadway.
- f. Periodic inspection of erosion control practices. Inspection shall be a minimum of twice a year if construction is initiated but not complete.
- g. Review of completed As-Built plans for accuracy.
- h. At other specific times deemed necessary by the Board, Town Planner, Building Inspector, or Town's Consulting Engineer.

12. **Prior to the installation of the roadway binder course**, the Town Planner shall confirm the following:

- a. A maximum roadway width of 22 feet;

- b. A maximum roadway flare of 72 feet at Flagg Hill Road, and;
 - c. A maximum of 46 feet of stone wall removal.
13. **Prior to the placement of the gravel base for the construction of the Private/Common Driveway**, the Applicant/Owner shall subgrade the driveway 15 inches below finished grade. This shall be inspected by the Public Works Director before proceeding with further construction.
 14. **Prior to paving the Private/Common Driveway**, the Applicant/Owner shall contact the Public Works Director to inspect the construction to verify the gravel base is 12 inches or more.
 15. **One week prior to the paving of the Private/Common Driveway**, the Applicant/Owner shall contact the Public Works Director to arrange an inspection of the paving.
 16. **Prior to the release of the Performance Guarantee**, the Town Planner shall verify that all plantings shown on the approved Landscape Plan have been installed. Any minor modification or substitutions shall be reviewed and approved by the Town Planner.
 17. **Prior to the release of the Performance Guarantee**, the Town Planner and/or the Town's Consulting Engineer shall confirm that all site work has been maintained within the "Limit of Clearing" as defined on the Plan. Should it be determined that work has been done outside of the "Limit of Clearing", the Planning Board will withhold the release of the Performance Guarantee until the area has been restored.
 18. **Prior to the release of the Performance Guarantee**, the Applicant/Owner shall provide to the Town Planner As-Built drawings of the roadway improvements, location of utilities and pavement. The Town Planner shall also receive final As-Built plans in electronic format compatible with the Town's GIS system.
 19. **Prior to the release of the Performance Guarantee**, the Applicant/Owner shall work with the Building Inspector, Town Planner, and Town Assessor to finalize the appropriate street address for each property.
 20. **Prior to the release of the Performance Guarantee**, the Applicant/Owner shall confirm and verify with the Fire Chief and Town Planner that no electrical lines have been, or will be, run through the fire cistern easement area on Lot 8.
 21. **Prior to the release of the Performance Guarantee**, the Applicant/Owner shall work with the Town Planner and the owner of 33 Woodward Lane to provide vegetative screening on the subdivision property, or on the 33 Woodward Lane property, to adequately screen/address the glare from the headlights of vehicles turning onto and traveling up the subdivision roadway.

22. **Prior to the issuance of the last Certificate of Occupancy for either Lot 5 or Lot 6**, the Applicant/Owner shall work with the Fire Chief, Police Chief, and Town Planner to install signage which adequately and appropriately identifies the address for each dwelling unit which has access to the Private/Common Driveway.
23. The subdivision roadway shall be named/entitled **Taylor Farm Road**.
24. All utilities for the project shall be located underground.
25. The Applicant/Owner shall reserve the fee in the roadway and the reservation to grant easements on any conveyances of the subdivision lots.
26. The Applicant/Owner shall maintain the road, including plowing and treating, and all other improvements within the subdivision in a condition which meets all the requirements of the Rules & Regulations Governing the Subdivision of Land until such time as the road is accepted by Town Meeting as a public way.
27. No earth shall be removed from the site without the Applicant/Owner first obtaining an Earth Removal Permit in accordance with the Earth Removal Bylaw. No loam shall be removed from the site. Any other earth material required to be removed from the site shall leave the premises only during permitted hours. All loaded vehicles shall be suitably covered to prevent dust and contents from spilling and blowing from the load.
28. Site preparation, grading, and exterior construction shall be conducted during the hours of 7:00 AM to 6:00 PM, Monday through Friday, and 8:00 AM to 4:00 PM on Saturday. No earth is to be excavated or removed on Sundays or Massachusetts legal holidays. These hours of operation may be altered only upon written authorization of the Planning Board.
29. No earth work operation shall be conducted, maintained, and/or left in a condition so as to alter the natural drainage flow beyond the property; or cause dust, silt, soil, or other materials to be deposited on adjacent properties; or to otherwise cause nuisances, hazards, or other objectionable conditions detrimental to health, safety, or property values in adjacent areas.
30. The Applicant/Owner shall provide to the Building Inspector final As-Built plans showing the location of all buildings, structures, and driveways, including the well locations, septic systems, and leaching areas.
31. The Applicant/Owner shall pay all outstanding fees incurred for the Board's consultants including Town Counsel and the Board's Consulting Engineer, for the performance of any of the review and inspection services contemplated herein, and including any such fees incurred prior to the date of this Decision.
32. Construction of all ways and all installation of municipal services shown on the Plan shall be completed within four (4) years of the date of approval unless the Applicant/Owner obtains a written extension from the Planning Board. Failure to complete construction and installation within the time specified herein or such later date as may be specified by vote of the Planning Board with a written occurrence of the Applicant, shall result in the right of the Planning

Board to rescind the Approval after compliance with the requirements of MGL Chapter 41 Section 81W. The Board may enforce or draw upon any Performance Guarantee to complete the construction of the roadway if it is not completed within four (4) years or a written extension has not been requested by the Applicant/Owner.

33. If at any time, the construction of the roadway is not in compliance with the Decision and Certificate of Conditional Approval, and the Rules & Regulations Governing the Subdivision of Land, the Planning Board may order that work on the construction of the roadway be stopped, and request the Building Inspector defer the issuance of any Building Permits or Certificates of Occupancy until the non-compliance is corrected.
34. Violation of any of the conditions of this Decision shall be grounds for revocation of this Decision granted hereunder in accordance with the provisions of the Subdivision Control Law. In case of any violation of the continuing obligations of this Decision, the Town will notify the owner(s) of such violation and give the owner(s) reasonable time to correct the violation and to comply with the conditions of this Decision. Reasonable time will be dependent upon the time of the year and the violation, as determined by the Planning Board. The Town may enforce compliance with the conditions of this Decision by any action of injunctive relief before any court of competent jurisdiction.

This Decision applies only to the site which is the subject of this application. All construction to be conducted on the site shall be conducted in accordance with the terms of this Decision and shall be limited to the improvements shown on the Plan.

The Planning Board shall have the power to modify or amend the terms and conditions of this Certificate of Approval on the application of the owner or mortgagee of the premises, or upon its own motion to correct technical errors in this Decision. The Board further reserves its powers to amend this Decision to correct technical errors without a new public hearing provided that the Board finds that such amendment is not significant to the public interest and that such amendment is not inconsistent with the purpose and intent of the Rules & Regulations Governing the Subdivision of Land, the Zoning Bylaw, or with the terms of this Decision. All the provisions of this paragraph applicable to approval shall, where appropriate, be applicable to such modification or amendment.

The foregoing conditions are stated for the purpose of emphasizing their importance, but are not intended to be all inclusive or to negate the remainder of the Boxborough Zoning Bylaw. Other permits or approvals required by the Boxborough Zoning Bylaw, other governmental boards, agencies, or bodies having jurisdiction, shall not be assumed or implied by this Decision.

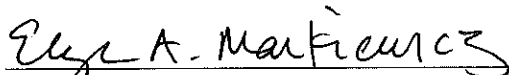
By acceptance of this Decision by the Applicant and recording thereof, the Applicant acknowledges the binding effect of the conditions of this Decision. Appeals, if any, shall be made in accordance with MGL Chapter 41 Section 81BB or MGL Chapter 40A Section 17 within twenty (20) days after this Decision is filed with the Town Clerk.

ON BEHALF OF THE BOXBOROUGH PLANNING BOARD:



Adam L. Duchesneau, Town Planner

Received:



Elizabeth A. Markiewicz, Town Clerk

May 12, 2016

Date Filed

TO WHOM IT MAY CONCERN:

I, Elizabeth A. Markiewicz, Clerk of the Town of Boxborough, Massachusetts, hereby certify the notice of approval of this Definitive Subdivision Plan and Special Permit by the Boxborough Planning Board has been received and recorded at this office, and no appeal was received during the twenty (20) days next after such receipt and recording of said notice.

Elizabeth A. Markiewicz, Town Clerk

Date